

REMARKS

I. Double Patenting

Claims 1, 15, and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 13, and 24, respectively, of U.S. Patent No. 6,725,317. Applicants propose filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) or otherwise addressing this rejection, if the rejection still stands upon an indication of allowability of the claims over the prior art of record.

II. Claim Rejections 35 USC § 103 – Okazawa in view of Hancock

Claims 1-3, 5-8, 11-17, 19-27, 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okazawa et al. (US No. 6,378,021, hereinafter Okazawa) in view of Hancock et al. (US No. 5,574,914, hereinafter Hancock).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant asserts that not all of these criteria have been met.

A. Claims 1-3, 5-8, 11-14, 26, and 30

Independent claim 1 requires that the service processor and each cell board store a copy of the data that describes a configuration for the computer system. The Office Action at page 5 admits that Okazawa does not specifically disclose the use of data that describes a configuration for the computer system and wherein the service processor and each of the cell boards maintain a copy of the data and then introduces Hancock to remedy this deficiency. The Examiner cites Hancock, figure 8 and column 5, lines 45-60 as disclosing the use of data that describes a configuration for the computer system and wherein each of the cell boards

maintains a copy of the data. However, Applicant notes that Hancock teaches a centralized site configuration management system (Hancock, column 2, lines 9-14), wherein the resource data base is loaded into site configuration management system data base of personal computer 238 (Hancock, column 6, lines 46-51). In other words, Hancock teaches storing a configuration data base on a personal computer separate from the processing complex cabinets of a data processing complex, and as such, does not teach that the service processor and each cell board store a copy of the data that describes a configuration for the computer system. Applicant can find no aspect of Okazawa in view of Hancock that teaches that a service processor and each cell board store a copy of the data that describes a configuration for the computer system. Thus, Okazawa in view of Hancock does not teach that the service processor and each cell board store a copy of the data that describes a configuration for the computer system. Therefore, Applicant respectfully asserts that claim 1 is patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

Claims 2-3, 5-8, 11-14, 26, and 30 each depend from claim 1, and thus, inherit all the features and limitations of claim 1. Claim 1 contains features and limitations not found in the cited prior art, as discussed above. Thus, claims 2-3, 5-8, 11-14, 26, and 30 each contain features and limitations not found in the prior art. Therefore, Applicant respectfully asserts that claims 2-3, 5-8, 11-14, 26, and 30 are patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

B. Claims 15-17, 19-25, and 31

Independent claim 15 requires storing a copy of the data that describes an initial configuration for the computer system in the service processor and in each cell board. The Office Action at page 5 admits that Okazawa does not specifically disclose the use of data that describes a configuration for the computer system and wherein the service processor and each of the cell boards maintain a copy of the data and then introduces Hancock to remedy this deficiency. The Examiner cites Hancock, figure 8 and column 5, lines 45-60 as disclosing the use of data that describes a configuration for the computer system and wherein each of the cell boards maintains a copy of the data. However, Applicant notes that Hancock teaches a centralized site configuration management system (Hancock, column 2, lines 9-14), wherein the resource data base is loaded into site configuration management system data base

of personal computer 238 (Hancock, column 6, lines 46-51). In other words, Hancock teaches storing a configuration data base on a personal computer separate from the processing complex cabinets of a data processing complex, and as such, does not teach storing a copy of the data that describes an initial configuration for the computer system in the service processor and in each cell board. Applicant can find no aspect of Okazawa in view of Hancock that teaches storing a copy of the data that describes an initial configuration for the computer system in the service processor and in each cell board. Thus, Okazawa in view of Hancock does not teach storing a copy of the data that describes an initial configuration for the computer system in the service processor and in each cell board. Therefore, Applicant respectfully asserts that claim 15 is patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

Claims 16-17, 19-25, and 31 each depend from claim 15, and thus, inherit all the features and limitations of claim 15. Claim 15 contains features and limitations not found in the cited prior art, as discussed above. Thus, claims 16-17, 19-25, and 31 each contain features and limitations not found in the prior art. Therefore, Applicant respectfully asserts that claims 16-17, 19-25, and 31 are patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

C. Claims 27 and 32

Independent claim 27 requires

Independent claim 27 requires the service processor and each cell board store a copy of data that describes a configuration for the computer system. The Office Action at page 5 admits that Okazawa does not specifically disclose the use of data that describes a configuration for the computer system and wherein the service processor and each of the cell boards maintain a copy of the data and then introduces Hancock to remedy this deficiency. The Examiner cites Hancock, figure 8 and column 5, lines 45-60 as disclosing the use of data that describes a configuration for the computer system and wherein each of the cell boards maintains a copy of the data. However, Applicant notes that Hancock teaches a centralized site configuration management system (Hancock, column 2, lines 9-14), wherein the resource data base is loaded into site configuration management system data base of personal

computer 238 (Hancock, column 6, lines 46-51). In other words, Hancock teaches storing a configuration data base on a personal computer separate from the processing complex cabinets of a data processing complex, and as such, does not teach the service processor and each cell board store a copy of data that describes a configuration for the computer system. Applicant can find no aspect of Okazawa in view of Hancock that teaches the service processor and each cell board store a copy of data that describes a configuration for the computer system. Thus, Okazawa in view of Hancock does not teach the service processor and each cell board store a copy of data that describes a configuration for the computer system. Therefore, Applicant respectfully asserts that claim 27 is patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

Claim 32 depends from claim 27, and thus, inherits all the features and limitations of claim 27. Claim 27 contains features and limitations not found in the cited prior art, as discussed above. Thus, claim 32 contains features and limitations not found in the prior art. Therefore, Applicant respectfully asserts that claim 32 is patentable over Okazawa in view of Hancock and requests the rejection be withdrawn.

III. Allowable Subject Matter

The Examiner is thanked for the indication of allowable subject matter in claim 4.

CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10001728-3 from which the undersigned is authorized to draw.

Dated: May 23, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568259083US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 23, 2006

Signature: 

(Phyllis Ewing)

Respectfully submitted,

By 

Michael A. Papalas

Registration No.: 40,381

(214) 855-8186

(214) 855-8200 (Fax)

Attorney for Applicant